IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.503/06
IN
SESSIONS CASE NO.41/2005

Lakhan @ Arun Bhagwanji Bhai
Ladani(Patel) .... Applicant

V/s.

The State of Maharashtra & Anr. .... Respondent

Mr.A.Q. Ansari Adv. for the applicant.
Miss.M.M. Deshmukh, APP for the State.

WITH
CRIMINAL APPLIATION NO.712/06
IN
SESSIONS CASE NO.41/2005

Paresh Veljibhai Dhanaji .... Applicant

V/s.

The State of Maharashtra & Anr. .... Respondent

Mr.A.Q. Ansari Adv. for the applicant.
Miss.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.
DATED : 17/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. By the order dated 4th April, 2006 this Court had directed to the Respondent No.2 to remain present in the Court and explain why action should not taken against him for non-complaince with the order passed by this court.

2. Senior Superintendent of Jail is present on behalf Respondent No.2. Respondent No.2 has tendered his explanation. He submits that order passed by this court was sent to the Headquarters and said order was communicated to him on 4th April, 2006 and therefore, he could not comply with the said order. Explanation offered by respondent No.2 is accepted.

3. Grievances made by applicants in the present application is that though trial is expedited, applicants have not been produced before Sessions Court. As a result of which though trial is expedited by this Court, Sessions Court has adjourned the matter from time to time.

4 Learned APP for the State submitted that since escort was not available applicants could not be produced in the Sessions Court.

5. In my view, grievance made by the applicants

is justified. It is duty of the prosecution to ensure that accused are produced in the Court and on that account there can not be any delay. Sessions Court is also expected to ensure that trial is not delayed on account of non-production of accused and if it notices that this happens frequently, then suitable action can be taken by the District and Sessions Court. It is expected in the future that applicants are produced on each and every date in the Sessions Court so that directions of expeditious disposal of trial which are given by this Court are followed and complied by the Sessions Court.

6. Since the application for bail for applicant in Criminal Application No.503/06 was rejected on merit earlier, in my view, there is no change in circumstances and therefore his bail application is rejected. Criminal application 712/06 also need not be taken into consideration at this stage in view of directions which are given by this Court in the present application.

7. Sessions Court is directed to expeditiously dispose of criminal case within a period of six

months. If trial is not over by that time, liberty is granted to applicants to apply for bail again.

8.. The application is accordingly disposed of.

V.M. KANADE J.